

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**LUV N' CARE, LTD.**

\* **CIVIL ACTION NO. 16-641**

**VERSUS**

\* **JUDGE ROBERT G. JAMES**

**MICHAEL L. MCGINLEY and S.C.  
PRODUCTS, INC.**

\* **MAG. JUDGE KAREN L. HAYES**

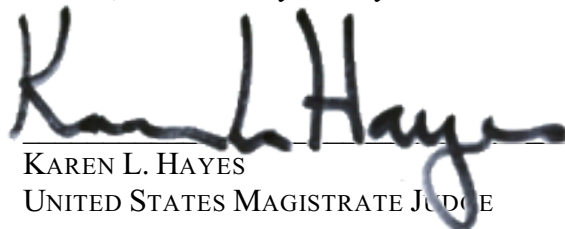
**ORDER**

Before the undersigned magistrate judge, on reference from the District Court, is a motion to dismiss for improper venue pursuant to FED. R. CIV. P. 12(b)(3), and in the alternative to transfer pursuant to 28 U.S.C. §§ 1406(a) or 1404(a). On May 10, 2016, Luv N' Care, LTD. ("LNC") filed the instant complaint under the Lanham Act 15 U.S.C. §§ 1051, *et seq.*, the Louisiana Unfair Trade Practices and Consumer Protection Law, La. R.S. 51:1401, *et seq.*, and for a declaratory judgment under 28 U.S.C. §§ 2201 and 2202. [Doc. # 1]

As both parties have noted, a collateral proceeding has been filed in the Western District of Missouri which may overlap with the subject matter of the instant action. *Michael L. McGinley, et al., vs. Luv N' Care, LTD.*, CV-A No. 4:16-cv-00283 (W.D. Mo. 2016); [doc. # 9]. The court notes that the Missouri District Court currently has a motion to dismiss for lack of personal jurisdiction and for improper venue pending before it. Since the resolution of that motion will impact the ruling in this one, this matter is hereby STAYED until the motion pending in the Missouri District Court has been resolved. The parties shall notify this court immediately following the ruling by the Missouri District Court.

IT IS SO ORDERED.

THUS DONE AND SIGNED at Monroe, Louisiana, this 15th day of July 2016.

  
KAREN L. HAYES  
UNITED STATES MAGISTRATE JUDGE